

Form 1075**NOTICE OF ACTIVITY AND USE LIMITATION**

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Former PCC/Merriman Site, 100 Industrial Park Road, Hingham, MA
DEP Release Tracking No.(s): 4-3000331

This Notice of Activity and Use Limitation ("Notice") is made as of this 28 day of April 2012, by JEB Group LLC of 430 East First Street, Boston, Massachusetts, together with his/her/its/their successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, JEB Group LLC, is the owner in fee simple of that certain parcel(s) of land located in Hingham, Plymouth County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Plymouth County Registry of Deeds on Certificate number 96743 in Book 483, Page 143, Document number 459415;

WHEREAS, said parcel(s) of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property consists of the parcels shown on the following plans recorded in the Plymouth County Registry of Deeds: #28722A, #33719A, and #24468C;

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or groundwater and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated March 30, 2012, (which is attached hereto as Exhibit C and made a part hereof);

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Property:

- (i) Commercial and/or industrial uses and activities associated with therewith,

including but not limited to, pedestrian, and/or vehicular traffic, landscaping, and routine maintenance of landscaped areas where subsurface soils currently located beneath pavement or buildings remain covered;

- (ii) Excavation associated with the short term (six months or less), construction and/or landscape work within the unrestricted excavation area (See Exhibit B), provided it is conducted in accordance with a Soil Management Plan in accordance with Obligations (iii) developed by an LSP prior to the initiation of such activities, the applicable soil management procedures of the MCP cited at 301 CMR 40.0030 and applicable response action health and safety practices. Emergency underground utility repair can be conducted without restriction, provided that soil is returned to the excavation and recovered by pavement or landscaping;
 - (iii) Excavation associated with long term (greater than six months) soil exposure provided it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan developed and implemented prior to initiation of such activities, in accordance with Obligations (iii) and (iv);
 - (iv) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph;
 - (v) The commercial and industrial uses may include on-site child-care associated therewith, provided any such facility is constructed and maintained so as to maintain a condition of No Significant Risk to a child who is present thereon, and in accordance with the conditions of the AUL opinion and with Obligations (vi) in Paragraph 3; and
 - (vi) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with the AUL.
2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:
- (i) Use of the Property as a residential property; as a school or day care facility (except as provided herein); as a playground, recreational area, or park; or other similar use where a child has the potential to contact constituents of concern present in Site related soils on a regular basis;
 - (ii) Use of the property for growing consumable produce;
 - (iii) Activities and/or uses which are likely to disturb oil and/or hazardous material detected in soil for less than six months, other than emergency utility repair, without prior development of a Soil Management Plan in accordance with Obligations (iii) in Paragraph 3, or in the case of soil disturbed by utility repair, not returning soil to the excavation and recovering following repair;
 - (iv) Any Activity including, but not limited to, excavation which is likely to disturb soil for a period greater than six months in which construction/utility workers will have direct contact with soil for a period greater than six months, without prior development of a Soil Management Plan and Health and Safety Plan in accordance with Obligations (iv) in Paragraph 3;
 - (v) Any activity including, but not limited to, excavation which is likely to disturb soil located beneath the former manufacturing building (see Exhibit B) without prior development and implementation of a Soil Management Plan and Health and Safety Plan in accordance with Obligations/Conditions (i) and (v); and
 - (vi) Any form of on-site child care facility related to the commercial or industrial use, if the facility is not constructed and maintained in accordance with the

restrictive conditions of the AUL Opinion and with obligations (vi) in Paragraph 3.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:
- (i) Soil Currently located at the Site must remain within the area covered by the AUL, and all soils currently located beneath pavement or buildings are to remain covered by pavement or buildings unless the excavation is planned with the prior consent of an LSP Opinion;
 - (ii) The fence currently depicted on Exhibit B must be maintained and monitored to ensure that access to the upland portion of the Site is restricted;
 - (iii) Except for emergency utility repair, a Soil Management Plan must be approved by an LSP prior to the commencement of any activity that is likely to disturb Site-related soil. The Soil Management Plan should describe appropriate soil management, characterization, storage, transport, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.00030 et seq. Workers who may come in contact with the soil, groundwater, or other environmental media at the Site should be appropriately trained on the requirements of the Plan, and the Plan must remain available on Site throughout the course of the project. Following utility emergency work, soil must be returned to the excavation and the area will be recovered by pavement or landscaping;
 - (iv) A Health and Safety Plan must be prepared and implemented prior to the commencement of any activity that is likely to result in receptors having intense exposures to Site-related soil for greater than six months within the AUL area. The Health and Safety Plan should be prepared by a Certified Industrial Hygienist or other qualified individual appropriately trained in worker health and safety procedures and requirements. The Plan should specify the type of personal protection, engineering controls, and environmental monitoring necessary to prevent worker and other potential receptor exposures to contaminated soil through ingestion, dermal contact, and inhalation. Workers who may come in contact with environmental media should be appropriately trained on the requirements of the plan, and the plan must remain available on-Site throughout the course of the project;
 - (v) A Health and Safety Plan must be prepared and implemented prior to the commencement of any activity except emergency utility repair that is likely to result in receptors having exposures to soil located beneath the former manufacturing building, as presented in Exhibit B. A Certified Industrial Hygienist should prepare the Health and Safety Plan or other qualified individual appropriately trained in worker health and safety procedures and requirements. The Plan should specify the type of personal protection, engineering controls, and environmental monitoring necessary to prevent worker and other potential receptor exposures to contaminated soil through ingestion, dermal contact, and inhalation. Workers who may come in contact with soil should be appropriately trained on the requirements of the plan, and the plan must remain available on-Site throughout the course of the project; and
 - (vi) Any on-site child care facility that is developed to support the commercial activities on the Property must be designated and maintained in such a manner as to isolate the children at the facility from residual contamination present in the soil, groundwater, or soil gas. An LSP Opinion must provide the specific requirements that are to be included in the design and operation of the facility so as to maintain a condition of No Significant Risk to a child who is present at the on-site child care facility. The specific requirements may include no on-site natural soils used for exterior play surfaces, sub-slab passive venting, a vapor barrier, and fencing to restrict access to other portions of the Property where oil and/or hazardous materials are detected.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.
5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the [Property] [Portion of the Property] subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 4th day of April, 2012.

By: Timothy C. Casey
Name: Timothy C. Casey
Title: Managing Member

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

April 4, 2012

On this 4th day of April, 2012, before me, the undersigned notary public, personally appeared Timothy C. Casey (name of document signer), proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)

(as _____ for _____, a corporation)

(as attorney in fact for _____, the principal)

(as Manager for TEB Group, LLC, (a) (the) limited liability company)

Thomas M. Nolan (official signature and seal of notary)

THOMAS M. NOLAN
NOTARY PUBLIC

My commission expires Jan. 9, 2015

The undersigned LSP hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: 04/06/2012
 Gregg W. McBride



COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

April 6, 2012

On this 6th day of April, 2012, before me, the undersigned notary public, personally appeared Gregg McBride (name of document signer), proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
 (as _____ for _____, a corporation)
 (as attorney in fact for _____, the principal)
 (as _____ for _____, (a) (the) _____)

Kristinn M. Gerra official signature and seal of notary)
Kristinn M. Gerra
My Commission Expires 4/6/2018



Upon recording, return to:

Gregg W. McBride, LSP
 GZA GeoEnvironmental, Inc.
 One Edgewater Drive
 Norwood, MA 02062

The foregoing is a duplicate of
 Document No. 64093 filed
 in Plymouth Registry District of
 the Land Court on Apr 9, 2012
 at 11:53 AM
 Attest: John R. Buckley Jr.
 Assistant Recorder

EXHIBIT A

PROPERTY DESCRIPTION OF PARCEL OF LAND
CONTAINING AREA SUBJECT TO AUL

EXHIBIT A

That certain parcel of land situate in Hingham, in the County of Plymouth and Commonwealth of Massachusetts, described as follows:

Being Lot 4 as determined by the Court to be located as shown on plan #28722A, drawn by Lewis W. Perkins & Son, Surveyors, dated November 8, 1964, May 21, 1965 and January 14, 1966, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 41721; also another certain parcel of land as determined by the Court to be located as shown on plan #33719A, drawn by Lewis W. Perkins & Son, Surveyors, dated April 2, 1965, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 39764; and Lot 60 on subdivision plan #24468C, drawn by Lewis W. Perkins & Son, Surveyors, dated November 8, 1964 and filed with Certificate of Title No. 20654.

There is excepted and excluded from the land in Case #33719, the fee in the Southeast Expressway (NO ACCESS) and Commerce Road abutting said land.

Which premises are more particularly described in Exhibit A-1 attached hereto and made a part hereof.

EXHIBIT A-1

PROPERTY DESCRIPTION OF AREA SUBJECT TO AUL
(SAME AS EXHIBIT A – ENTIRE PROPERTY)

EXHIBIT A-1

Parcels of land situated in the Town of Hingham, County of Plymouth, Commonwealth of Massachusetts, together with the buildings and improvements located thereon, bounded and described as follows:

- NORTHWESTERLY:** by Industrial Park Road, one hundred eleven and 15/100 (111.15) feet;
- NORTHEASTERLY:** by Lot 7, as shown on the plan hereinafter mentioned, one hundred thirty-three and 78/100 (133.78) feet;
- NORTHEASTERLY:** by land now or formerly of Reed Rolled Thread Die Company, seventy and 46/100 (70.46) feet; and
- SOUTHERLY:** by land now or formerly of Arthur Oman and Sons, Inc., one hundred fifty-six and 60/100 (156.60) feet.

All of said boundaries are determined by the Plymouth County Registry District of the Land Court to be located as shown on plan #28722A, drawn by Lewis W. Perkins & Son, Surveyors, dated November 8, 1964, May 21, 1965 and January 14, 1966, as modified and approved by said Court filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 41721 and the above described land is shown as Lot 4 on said plan.

There is appurtenant to said lot the right to use said Industrial Park Road, as shown on said plan, for all purposes for which streets or ways are commonly used in the Town of Hingham.

Also that certain parcel of land situated in said Town of Hingham bounded and described as follows:

- NORTHEASTERLY:** by the southwesterly line of Southeast Expressway (NO ACCESS), eleven hundred seventeen and 28/100 (1117.28) feet;
- SOUTHEASTERLY:** five hundred eighty-three and 41/100 (583.41) feet;
- SOUTHWESTERLY:** two hundred fifty-nine and 92/100 (259.92) feet by land now or formerly of Wallace R. Marden, Trustees;
- SOUTHWESTERLY:** by the northeasterly line of Commerce Road, seven hundred seventy-six and 82/100 (776.82) feet;
- NORTHWESTERLY:** by land now or formerly of Arthur Oman & Sons, Inc., three hundred forty-two and 35/100 (342.35) feet;
- SOUTHWESTERLY:** by lands now or formerly of said Oman & Sons, Inc. and of Oman Realty, Inc., one hundred sixty-one and 71/100 (161.71) feet;

EXHIBIT B

SKETCH PLAN SHOWING RELATIONSHIP OF
THE PORTION OF PROPERTY SUBJECT TO AUL

EXHIBIT C

AUL OPINION

EXHIBIT C

ACTIVITY AND USE LIMITATION OPINION

Introduction

This Activity and Use Limitation (AUL) Opinion dated March 30, 2012 has been prepared in fulfillment of the requirements of the Massachusetts Contingency Plan (MCP) Section 40.1074(1)(b), and is submitted to the Department as part of Form 1075, Notice of Activity and Use Limitation, as Exhibit C thereto. This AUL Opinion is applicable to 100 Industrial Park Road located in Hingham, Massachusetts (the "Site") as defined in the Notice of AUL and presented on the Site Map in Exhibit B.

Release/Nature of Site Conditions:

The Site is the former location of PCC Specialty Products' (PCC) Merriman Facility, in Hingham, Massachusetts. The PCC facility was formerly a brass foundry and metal-working company that produced brass, bronze, and stainless steel parts. Two Site buildings, the manufacturing building and the former foundry building, housed powdered metal operations, other metal working operations and a brass foundry. A third Site building, originally used as a powerhouse, was subsequently used by PCC as a hazardous waste storage area and compressor room.

The manufacturing operations at the facility were divided into two major manufacturing areas, the powdered metal line and the cast bronze foundry. PCC produced specialty powdered metal gears for automotive, appliance, business machine, garden equipment, power tool and power transmission industries. PCC also produced a variety of custom-engineered, permanently self-lubricating bearings, under the Lubrite brand name, which were typically used in commercial and industrial structures, including hydroelectric plants, offshore drilling rigs and large commercial buildings. PCC's manufacturing processes generated small amounts of hazardous waste, waste oil and minor air emissions. PCC ceased all operations at the facility on October 16, 1998.

Developed properties in the vicinity of the Site are used for commercial or industrial purposes and are part of the South Shore Industrial Park complex. The industrial park area consisted of vacant, wooded land until construction began in 1964. Facilities adjacent to the Site were constructed after 1965. Route 3 borders the Site to the east. Undeveloped land, consisting of wooded areas, wetlands and an unnamed tributary to the Old Swamp River, is located southeast and south of the Site. To the southwest and west of the Site, across Commerce Road and Industrial Park Road, are additional, commercially developed properties. The Mass American Water Company supplies water to the area. Municipal sewer service is not available in the industrial park and all of the sanitary waste from the Site is managed by an on-Site biological treatment plant, followed by effluent chlorination for disinfection.

MCP Regulatory Status

PCC has performed investigations and response actions in accordance with the Administrative Consent Order (ACO) between PCC and the MADEP dated September

1997 and amended on April 16, 1999 (ACOP-NE-97-9006-23467B). The ACO incorporates, by reference, the Conditional Approval issued by the MADEP of the Phase II Comprehensive Site Assessment and Phase III Remedial Action Plan Reports prepared by Tighe & Bond. These investigations and response actions were detailed in the Phase IV Remedy Implementation Plan (RIP), which was prepared according to the approved ACO. The implementation of the RIP is documented in the Phase IV Completion Statement submitted to the MADEP in February 2001. A Phase V Inspection and Monitoring Report and Phase V Completion Statement were transmitted to the MADEP in March 2002.

Two separate RTNs were originally assigned to the Site, but have been combined pursuant to the ACO. RTN 3-0331 was assigned to the Site in January 1987 following the discovery of a release of chlorinated solvents to groundwater. RTN 3-14712 was issued in January 1997 following the discovery of lead above the MCP Reportable Concentration in a sample collected from the foundry sand pile, located to the rear of the former foundry building. The above referenced RTN's were subsequently changed to 4-3000331 and 4-301472 respectively due to reconfigurations of MassDEP regional offices.

In order to link the RTNs, Tighe & Bond completed a re-evaluation of the Site Numerical Ranking System (NRS) score sheet incorporating the two releases. The revised NRS Scoresheet was submitted to MADEP on January 15, 1998. This site scoring resulted in a Tier IC designation for the Site. A Tier IC permit (permit #P23037) for the Site was issued in June 1998. RTN 4-3000331 now addresses the entire disposal Site.

Response Actions conducted at the Site have included the assessment of environmental conditions at the Site (Phase II), identification of remedial alternatives (Phase III), implementation of the remedial alternatives (Phase IV) and remedial system operation and maintenance (Phase V). This submittal primarily focuses on activities associated with the upland portion of the Site, herein referred to as the RAO-A Area (Exhibit B).

Separately from the RAO-A Area, two other portions of the Site have been addressed under MCP Response Actions and are referred to as the Class C RAO area and the Wetland Restoration Area. The portion of the Site located within the two hundred feet of the unnamed tributary, a Class A surface water body, has previously achieved a Class C Response Action Outcome (RAO) in April 2005. Post Class C RAO Status reports have documented activities in this portion of the Site since the Class C RAO filling in 2005. In May 2010 a Periodic Review of the Class C RAO was submitted and concluded that the temporary solution of Monitored Natural Attenuation (MNA) remained effective. Additionally, a Substantial Hazard Evaluation update was included with the 2010 Periodic Review and concluded that a condition of No Substantial Hazard continues to exist at the Site.

In September 2006, a Release Abatement Measure (RAM) Plan was submitted to document activities associated with the wetland restoration program that was implemented at the former foundry sand disposal area. A RAM Completion report was filed for the Wetland Restoration Area in November 2006 and documented the removal of impacted soils and the implementation of a wetland restoration/mitigation area. Additional activities in this area included inspections, photographic record keeping, invasive species control,

and wetland plantings maintenance, under the direction of MassDEP's Wetlands and Waterways Program personnel (Ms. Elizabeth Sabounjian of Northeast Regional Office) and approvals from the Hingham Conservation Commission. These activities were documented from 2007 through 2009 in annual monitoring reports under the Wetland Improvement Plan 2. On November 20, 2009 a correspondence from the MassDEP was received and formally acknowledged that all wetland restoration and monitoring requirements of the ACO were met.

The MassDEP conducted a AUL Audit Inspection of the Site on September 28, 2011 to observe conditions related to the area subject to the AUL that was filed on August 22, 2003 Class A-3 Partial RAO and AUL report to the MassDEP. Additionally, MassDEP completed a RAO Technical Screening Audit and an AUL Compliance Screening Audit. The results of the MassDEP audit were summarized in a December 23, 2011 Notice of Audit Findings and Notice of Non-Compliance (NOAF/NON SE-11-3A-131) letter. The NOAF identified several items of apparent noncompliance in the 2003 AUL and required that the 2003 AUL be terminated and a new AUL recorded to correct the items. The revised AUL and Opinion were necessary to correct the inconsistencies identified in the audit.

Why the Notice of AUL is appropriate to achieve and/or maintain a level of No Significant Risk:

The Method 3 Risk Characterization prepared for the Site by ENSR, Inc. of Westborough, Massachusetts, incorporated assumptions of future Site conditions that must be maintained for their conclusions to remain valid. The Method 3 Risk Characterization for the Site was completed in accordance with the MCP (MCP; 310 CMR 40.0990) to assess potential risks of harm to human health, public welfare, safety, and the environment posed by constituents of concern detected in environmental media. Residential use was not evaluated. The ENSR risk characterization assumed that the Site would remain industrial in the foreseeable future. The ENSR evaluation further assumed that partial fencing restricted access to production areas, including the former manufacturing building and foundry building. Therefore, the AUL requires that the fence surrounding the production areas is maintained and periodically monitored.

Limited soil data were available from beneath the Site buildings and the ENSR evaluation excluded exposure to soils located beneath these buildings under future foreseeable conditions. Therefore, portions of the property that are currently paved or covered with buildings must remain paved or covered, unless assessment activities indicate that soils from these areas would not pose a significant risk of harm to human and/or ecological receptors.

The human health risk characterization conducted for the Site did not evaluate the potential for future unrestricted uses including single-family occupancy, multi-family occupancy (i.e. apartment style residences), school or daycare facility, and/or growing of consumable produce. Therefore, these activities are restricted at the Site, unless an LSP opinion is prepared to modify the conditions of the AUL.

An additional evaluation, conducted by GZA, for construction/utility workers inhaling volatile constituents in ambient air during excavation within the manufacturing building indicated that there is a potential for significant inhalation exposure during a construction project. Therefore, future Site redevelopment or other activities that involve excavation within the former manufacturing building, shown in Exhibit B, must be conducted in accordance with a Licensed Site Professional (LSP) approved Health and Safety Plan and Soil Management Plan. However, excavation activities performed outside the manufacturing building would only require an appropriate Soil Management Plan. In addition, if soil disturbance activities are planned to occur for greater than six months, with exposure greater than those evaluated in the risk assessment, a Certified Industrial Hygienist must establish a Health and Safety Plan.

Based on the risk characterization prepared by ENSR and subsequently updated by GZA, results of the human health component of the Method 3 Risk Characterization indicate that the Cumulative Non-cancer and Cancer Risk estimates for area youths (ages 10-15); facility workers, customers, or visitors; and construction/utility workers do not exceed the Massachusetts Department of Environmental Protection (MADEP) Cumulative Non-cancer and Cancer Risk Limits of 1.0 and 1×10^{-5} , respectively. Therefore, with the implementation of an AUL that maintains the use of the property as a commercial/industrial facility, a condition of No Significant Risk of harm to human health exists at the site.

The results of safety, public welfare, and environmental risk characterizations indicate that a condition of No Significant Risk of harm to safety, public welfare, and the environment has been achieved at the Site.

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Property:
 - (i) Commercial and/or industrial uses and activities associated with therewith, including but not limited to, pedestrian, and/or vehicular traffic, landscaping, and routine maintenance of landscaped areas where subsurface soils currently located beneath pavement or buildings remain covered;
 - (ii) Excavation associated with the short term (six months or less), construction and/or landscape work within the unrestricted excavation area (See Exhibit B), provided it is conducted in accordance with a Soil Management Plan in accordance with Obligations (iii) developed by an LSP prior to the initiation of such activities, the applicable soil management procedures of the MCP cited at 301 CMR 40.0030 and applicable response action health and safety practices. Emergency underground utility repair can be conducted without restriction, provided that soil is returned to the excavation and recovered by pavement or landscaping;

- (iii) Excavation associated with long term (greater than six months) soil exposure provided it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan developed and implemented prior to initiation of such activities, in accordance with Obligations (iii) and (iv);
 - (iv) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph;
 - (v) The commercial and industrial uses may include on-site child-care associated therewith, provided any such facility is constructed and maintained so as to maintain a condition of No Significant Risk to a child who is present thereon, and in accordance with the conditions of the AUL opinion and with Obligations (vi) in Paragraph 3; and
 - (vi) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with the AUL.
2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:
- (i) Use of the Property as a residential property; as a school or day care facility (except as provided herein); as a playground, recreational area, or park; or other similar use where a child has the potential to contact constituents of concern present in Site related soils on a regular basis;
 - (ii) Use of the property for growing consumable produce;
 - (iii) Activities and/or uses which are likely to disturb oil and/or hazardous material detected in soil for less than six months, other than emergency utility repair, without prior development of a Soil Management Plan in accordance with Obligations (iii) in Paragraph 3, or in the case of soil disturbed by utility repair, not returning soil to the excavation and recovering following repair;
 - (iv) Any Activity including, but not limited to, excavation which is likely to disturb soil for a period greater than six months in which construction/utility workers will have direct contact with soil for a period greater than six months, without prior development of a Soil Management Plan and Health and Safety Plan in accordance with Obligations (iv) in Paragraph 3;
 - (v) Any activity including, but not limited to, excavation which is likely to disturb soil located beneath the former manufacturing building (see Exhibit B) without

prior development and implementation of a Soil Management Plan and Health and Safety Plan in accordance with Obligations/Conditions (i) and (v); and

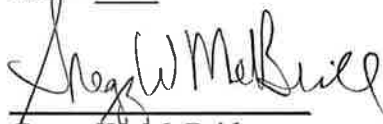
- (vi) Any form of on-site child care facility related to the commercial or industrial use, if the facility is not constructed and maintained in accordance with the restrictive conditions of the AUL Opinion and with obligations (vi) in Paragraph 3.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

- (i) Soil Currently located at the Site must remain within the area covered by the AUL, and all soils currently located beneath pavement or buildings are to remain covered by pavement or buildings unless the excavation is planned with the prior consent of an LSP Opinion;
- (ii) The fence currently depicted on Exhibit B must be maintained and monitored to ensure that access to the upland portion of the Site is restricted;
- (iii) Except for emergency utility repair, a Soil Management Plan must be approved by an LSP prior to the commencement of any activity that is likely to disturb Site-related soil. The Soil Management Plan should describe appropriate soil management, characterization, storage, transport, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.00030 et seq. Workers who may come in contact with the soil, groundwater, or other environmental media at the Site should be appropriately trained on the requirements of the Plan, and the Plan must remain available on Site throughout the course of the project. Following utility emergency work, soil must be returned to the excavation and the area will be recovered by pavement or landscaping;
- (iv) A Health and Safety Plan must be prepared and implemented prior to the commencement of any activity that is likely to result in receptors having intense exposures to Site-related soil for greater than six months within the AUL area. The Health and Safety Plan should be prepared by a Certified Industrial Hygienist or other qualified individual appropriately trained in worker health and safety procedures and requirements. The Plan should specify the type of personal protection, engineering controls, and environmental monitoring necessary to prevent worker and other potential receptor exposures to contaminated soil through ingestion, dermal contact, and inhalation. Workers who may come in contact with environmental media should be appropriately trained on the requirements of the plan, and the plan must remain available on-Site throughout the course of the project;

- (v) A Health and Safety Plan must be prepared and implemented prior to the commencement of any activity except emergency utility repair that is likely to result in receptors having exposures to soil located beneath the former manufacturing building, as presented in Exhibit B. A Certified Industrial Hygienist should prepare the Health and Safety Plan or other qualified individual appropriately trained in worker health and safety procedures and requirements. The Plan should specify the type of personal protection, engineering controls, and environmental monitoring necessary to prevent worker and other potential receptor exposures to contaminated soil through ingestion, dermal contact, and inhalation. Workers who may come in contact with soil should be appropriately trained on the requirements of the plan, and the plan must remain available on-Site throughout the course of the project; and
- (vi) Any on-site child care facility that is developed to support the commercial activities on the Property must be designated and maintained in such a manner as to isolate the children at the facility from residual contamination present in the soil, groundwater, or soil gas. An LSP Opinion must provide the specific requirements that are to be included in the design and operation of the facility so as to maintain a condition of No Significant Risk to a child who is present at the on-site child care facility. The specific requirements may include no on-site natural soils used for exterior play surfaces, sub-slab passive venting, a vapor barrier, and fencing to restrict access to other portions of the Property where oil and/or hazardous materials are detected.

LSP # 6048


Gregg W. McBride

4/6/2012
Date



EXHIBIT D

SIGNATORY AUTHORITY



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

4 - 3000331

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: **LITTON MERRIMAN DIVISION**

2. Street Address: **100 INDUSTRIAL PARK RD**

3. City/Town: **HINGHAM**

4. ZIP Code:

B. THIS FORM IS BEING USED TO: (check one)

- ☒ 1. Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Provide the LSP Opinion for an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement**, pursuant to 310 CMR 40.1080. Include BWSC113A as an attachment to BWSC113. Section A and C do not need to be completed.
- ☐ 3. Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4).
- ☐ 4. Provide the LSP Opinion for a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3).
- ☐ 5. Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Provide the LSP Opinion for an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Provide the LSP Opinion for a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Provide the LSP Opinion for a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Provide the LSP Opinion for a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).

(Unless otherwise noted above, all sections of this form (BWSC113A) must be completely filled out, printed, stamped, signed with black ink and attached as an exhibit to the AUL Document to be recorded and/or registered with the Registry of Deeds and/or Land Registration Office.)

C. AUL INFORMATION:

1. Is the address of the property subject to AUL different from the disposal site address listed above?

☒ a. No ☐ b. Yes If yes, then fill out address section below.

2. Street Address:

3. City/Town:

4. ZIP Code:



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

4

- 3000331

D. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief,

> if Section B indicates that a **Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074;

> if Section B indicates that an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** is being submitted, this evaluation was developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080;

> if Section B indicates that an **Amended Notice of Activity and Use Limitation or Amendment to a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 40.1081;

> if Section B indicates that a **Termination or a Partial Termination of a Notice of Activity and Use Limitation, or a Release or Partial Release of a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083;

> if Section B indicates that a **Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071;

> if Section B indicates that a **Confirmatory Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1085(4);

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. LSP #: 6048

2. First Name: GREGG W

3. Last Name: MCBRIDE

4. Telephone: 7812783700

5. Ext.:

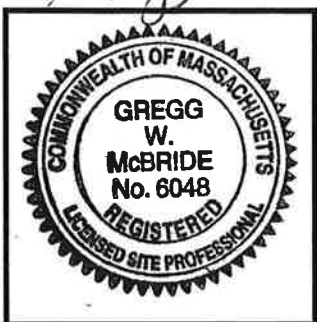
6. FAX:

7. Signature:

8. Date:

04/06/2012
mm/dd/yyyy

9. LSP Stamp:



GROUP,

FILED

JEB, LLC
CERTIFICATE OF ORGANIZATION

OCT 21 1993

Pursuant to the provisions of the Massachusetts Limited Liability Act (the "Act"), the undersigned, in order to form a limited liability company, hereby certifies as follows:

SECRETARY OF THE COMMONWEALTH
RECORDS DIVISION

1. **Federal Employer Identification Number.** The limited liability company to be formed hereby has applied for (but not yet received) a federal employer identification number.
2. **Name of the Limited Liability Company.** The name of the limited liability company to be formed hereby (the "LLC") is JEB, LLC.
3. **Office of the Limited Liability Company.** The address of the office of the LLC in the Commonwealth at which the LLC will maintain its records in accordance with the Act is c/o George F. Cahill, Esq., 101 Tremont Street, Boston, Massachusetts 02108.
4. **Business of the LLC.** The general character of the business of the LLC is to engage in the investment in and ownership and development of real estate and interests therein, including buying, acquiring, owning, operating, leasing, selling, financing, refinancing, disposing of and otherwise dealing with interests in real estate, directly or indirectly, through joint ventures, partnerships or other entities; and to engage in any activities directly or indirectly related or incidental thereto.
5. **Date of Dissolution.** The LLC shall have no fixed date upon which it shall dissolve.
6. **Agent for Service of Process.** The name and address of the resident agent for service of process for the LLC is George F. Cahill, Esq., 101 Tremont Street, Boston, Massachusetts 02108.
7. **Manager.** The Manager of the LLC is Timothy C. Casey, 430 First Street, Boston, MA 02127.
8. **Execution of Documents (Secretary of State).** Any member of the LLC is authorized to execute on behalf of the LLC any documents to be filed with the Secretary of State of the Commonwealth of Massachusetts. As of the date hereof, the names and business addresses of each of the members of the LLC are as follows:

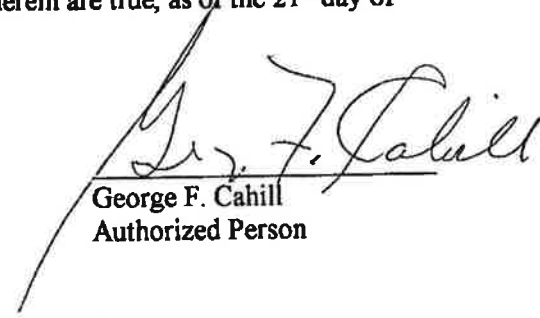
John C. Casey
William C. Casey III
Timothy C. Casey
John C. Casey, Jr.

430 First Street, Boston, MA 02127
176 Lincoln Street, Boston, MA 02135
430 First Street, Boston, MA 02127
430 First Street, Boston, MA 02127

THE COMMONWEALTH
SECRETARY OF STATE
OCT 21 1993

9. **Execution of Recordable Instruments.** Any member of the LLC is authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property. The names and business addresses of each member of the LLC as of the date hereof are specified in Paragraph 8 above.

IN WITNESS WHEREOF, the undersigned hereby affirms under the penalties of perjury that the facts stated herein are true, as of the 21st day of October, 1999.



George F. Cahill
Authorized Person

677904

Ck.#

9565

The Commonwealth of Massachusetts
Limited Liability Company
(General Laws, Chapter 156C)

FILED

OCT 21 1999

SECRETARY OF THE COMMONWEALTH
CORPORATIONS DIVISION

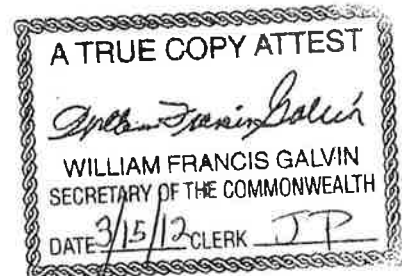
Filed this 21 day October, 1999.

FEE PAID

\$ 500.00

OCT 21 1999

CASHIERS
SECRETARY'S OFFICE



SECRETARY OF
THE COMMONWEALTH
99 OCT 21 PM 3:34

William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

George I. Cahill
101 Tremont St.
Boston, Ma. 02108

Phone: _____

The foregoing is a duplicate of
Document No. 690141 filed
in Plymouth Registry District of
the Land Court on Apr 9, 201 2
at 11:53 AM
Attest: John R. Buckley Jr.
Assistant Recorder

CERTIFICATE OF AUTHORIZATION
OF JEB Group, LLC

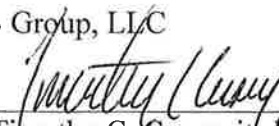
The undersigned, being the Managing Member of JEB Group, LLC, a Massachusetts Limited Liability Company, (the "LLC"), pursuant to c. 156C M.G.L. §67 and the Certificate of Organization of the LLC dated October 21, 1999, certifies that the following action has been authorized by the LLC:

That JEB Group, LLC execute that certain Notice of Activity and Use Limitation dated March 30, 2012, (the "AUL") affecting its real property located at and known as 100 Industrial Park Road, Hingham, Massachusetts, as more particularly described in Exhibit A, said AUL to be recorded and/or filed with the Plymouth County Registry of Deeds, Registered Land Section. It is further certified that the Manager of the LLC is Timothy C. Casey of 430 East First Street, Boston, MA and that the signature of Timothy C. Casey shall be conclusive evidence of the acceptance of said AUL by the LLC, and his authority to execute the same on behalf of the LLC.

Witness my hand and seal this 30th day of March, 2012.

JEB Group, LLC

By:

 *Manager*
Timothy C. Casey, its Manager

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

March 30, 2012

Then personally appeared the above-named Timothy C. Casey, the Managing Member of JEB Group, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of JEB Group, LLC before me.


Notary Public:

My Commission Expires:

THOMAS M. NOLAN
NOTARY PUBLIC
My commission expires Jan. 9, 2016



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

March 15, 2012

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of Limited Liability Company was filed in this office by

JEB GROUP, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **October 21, 1999**.

I further certify that said Limited Liability Company has not filed a certificate of cancellation; that said Limited Liability Company has not been administratively dissolved; and that, so far as appears of record, said Limited Liability Company has legal existence.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

LIST OF NOTIFIED HOLDERS OF RECORD INTEREST

Mr. Timothy Casey
JEB Group LLC
c/o Casey & Hayes
430 East First Street
South Boston, Massachusetts 02127

Ms. Judith M. Brown, Executive Vice President
Citizens Bank
Commercial Lending Department
331 Montvale Avenue, Second Floor
Woburn, Massachusetts 01801

Mr. John A. Stoddard Jr., Chairman
Hingham Municipal Lighting Plant
350 Lincoln Street
Hingham, Massachusetts 02043

Ms. Ronit Goldstein, Hingham Water Administrator
Aquarian Water Company
900 Main Street
Hingham, Massachusetts 02043

Official Receipt for Recording in:

Plymouth County Registry of Deeds
50 Obery St.

Plymouth, Massachusetts 02360

Issued To:
JASON R CHRZANOWSKI

Recording Fees

Document Description	Number	Cert Number	Recording Amount
CRTF OR JEB GROUP LLC	00690191	96743	\$75.00
REL OR JEB GROUP LLC	00690192	96743	\$75.00
NOTC OR JEB GROUP LLC	00690193	96743	\$75.00
CC			\$30.00
POSTAGE			\$3.00
			<hr/> \$258.00

Collected Amounts

Payment Type		Amount
Check	468	\$258.00
		<hr/> \$258.00

Total Received :	\$258.00
Less Total Recordings:	\$258.00

Change Due :	<hr/> \$.00
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Thank You
JOHN R. BUCKLEY, JR. - Register of Deeds

By: KDA

Receipt# Date Time
0566984 04/09/2012 11:53a